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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/580,233 | 05/26/2000 | Richard I. Adduci JR. | 10022/15 | 8233 |

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INDIANAPOLIS, IN 46204-2033

EXAMINER

KANOF, PEDRO R

| | |
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| ART UNIT | PAPER NUMBER |
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3628

DATE MAILED: 01/29/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,233

Applicant(s)

ADDUCI ET AL.

Examiner

Pedro R Kanof

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Claims 1-27 have been reviewed.

DETAILED ACTION
Response to Amendment

1. Claims 1 and 17 have been amended.

Response to Arguments

The Attorney indicates the Examiner asserts that Atkins teaches accepting user-specific input on an existing wireless communication service and the enhanced wireless communication service. Atkins does not teach this limitation but rather discloses using the SmartWallet and SmartPurse devices as wireless or wired communication devices to send and receive, voice, data, video, documents, live financial quotations, and the like. See (Col. 32, lines 29-38). Contrary to the Examiner's assertion, Atkins does not teach or disclose accepting user input on existing and enhanced wireless communication services for providing a financial analysis of the enhanced wireless communication service. As such, Applicant respectfully requests the Examiner to withdraw the rejection of independent claim 1 as it is not anticipated by Atkins.

The Examiner hereby contends that Atkins does indeed teach accepting user-specific input in Col. 32, lines 1-45, i.e. "individual application specific cards with execute in place capability can enhance the individual user's access to other MyNet System compatible software. To simplify use of the MyNet instruments, the individual may use touch or pen based active matrix flat screens and multifunction pen with write, erase, cursor, light beam, and infrared capabilities." Using touch or pen based active matrix flat screens and multifunction pen with write, erase, cursor, light beam, and infrared capabilities is inputting data into a computer system. It is obvious that the input, including market data, would be accepted by the system or the system would not respond.

The Attorney indicates independent claim 1 has been amended to include the limitation that the user-specific input includes a wireless application selection and a market data input interface for entering existing data about the existing wireless access network. Atkins clearly does not disclose allowing a user to enter a wireless application selection that relates to a wireless application that is planned to be offered over the enhanced wireless communication service. Atkins also does not disclose providing a market data input interface for entering existing data about the existing wireless access network. As such, Atkins does not disclose or teach each and every limitation of the presently claimed invention and Applicants hereby respectfully request the Examiner to withdraw the rejection of independent claim 1.

Art Unit: 3628

The Examiner hereby contends that Atkins does indeed teach application selection reflecting user-specific input includes a wireless application selection as supra since the reference teaches "the individual user's access to other MyNet System compatible software" and this includes access to wireless software.

The Attorney the Examiner also asserts that Atkins discloses accessing a reference database including general market data applicable to the enhanced wireless communication service and a standard adoption curve for adoption of the enhanced wireless communication service. In support of this assertion, the Examiner has referred Applicant to column 31 (line 66) to column 32 (line 17) of Atkins. Applicants respectfully fail to see how the present limitation is disclosed in the cited section of Atkins or anywhere in Atkins for that matter. As such, Applicants respectfully request the Examiner to withdraw the rejection of independent claim 1 as Applicants' claimed invention is not anticipated by Atkins.

The Examiner hereby contends that Atkins does indeed teach accessing a reference database including general market data applicable to the enhanced wireless communication service and a standard adoption curve for adoption of the enhanced wireless communication service in col. 31, lines 45-65) i.e. "the individual account information is stored in a database on the distributed multiprocessing computer system. Although the system is not limited in the types of databases that can be utilized, relational databases such as those offered by Synbase, Informix, Oracle, IBM (DB2), and Focus and object oriented data base management systems (OODBMS) may be implemented. Access to the databases may be made through direct SQL calls or through remote or stored procedure calls."

The Attorney indicates that the Examiner has also rejected independent claim 17 as being anticipated by Atkins. Applicants have amended independent claim 17 for clarity and to further distinguish the claimed invention from the prior art of record. The arguments set forth above with respect to independent claim 1 apply equally to independent claim 17 and as such, Applicants respectfully request the Examiner to withdraw the rejection of independent claim 17.

The Examiner has provided the appropriate references in the amended claim 17 below for the Attorney's reference.

In light of the above, the Examiner maintains all rejections as given below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 3628

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkins (U.S. Patent no. 5,875,437).

Claim 1: Atkins discloses a method for providing a financial analysis (Col. 1, lines 21-33) for an enhanced wireless communications service, the method comprising the steps of

accepting user-specific input on an existing wireless communications service and the enhanced wireless communications service (Col. 32, lines 29-38)

wherein the user-specific input includes a wireless applications selection and a market data input interface for entering existing data about the existing wireless communication service (Col. 32, lines 1-45, i.e. "individual application specific cards with execute in place capability can enhance the individual user's access to other MyNet System compatible software. To simplify use of the MyNet instruments, the individual may use touch or pen based active matrix flat screens and multifunction pen with write, erase, cursor, light beam, and infrared capabilities.");

accessing a reference database including general market data applicable to the enhanced wireless communications service and a standard adoption curve for adoption of the enhanced wireless communications service (Col. 31, line 66-col. 32, line 17);

adjusting the standard adoption curve to obtain an adjusted adoption curve based on the accepted user-specific input (Col. 49, lines 19-27); and

presenting a graphical depiction of a financial analysis based on an evaluation of the adjusted adoption curve and the general market data (Col. 49, lines 48-53).

Claim 17: Atkins discloses a system for developing a business model (Col. 1, lines 21-33) for an enhanced wireless communication service, the system comprising:

a storage device containing a reference database including general market data for the enhanced wireless communication service and a standard adoption curve for adoption of the enhanced wireless communication service;

a user input interface for accepting user-specific input on an existing wireless communication service and the enhanced wireless communication service, wherein the user-specific input includes a wireless application selection and a market data input interface for entering existing data about the existing wireless communication service;

an application tailoring module for modifying the standard adoption curve to obtain an adjusted adoption curve based on the user-specific input(Col. 49, lines 19-27);

an estimator adapted to access the reference database and to receive the user specific input to perform a financial analysis associated with the enhanced wireless communication service(Col. 31, line 35-col. 32, line 17, i.e. "Specific applications may be embodied in iconified expert advisors including the MyNet SmartWallet Advisors(Experts built in) comprising financial advisors for financial analysis"); and

a financial analyzer for presenting a graphical depiction of the financial analysis(Col. 49, lines 48-53).

Claims 2 and 18: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses wherein the adjusting step comprises adjusting the standard adoption curve based on a user input of a selected geographic region from a library of regions and a selected application from a library of applications of the enhanced wireless communications service (Col. 64, lines 8-20).

Claims 3 and 19: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses wherein the adjusting step comprises changing a slope from the standard adoption curve to a revised slope of an adjusted adoption curve based on the user input of a specific geographic region (Col. 64, lines 8-62).

Claims 4 and 20: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses wherein the adjusting step comprises changing a saturation point from the standard adoption curve to a revised saturation point of one of the adjusted adoption curve and the adjusted adoption curve based on the user input of a specific application (Col. 63, line 1col. 64, line 7).

Claims 5 and 21: Atkins discloses a method and a system according to Claims 1 and 17. Atkins also discloses wherein the adjusting step comprises increasing a slope from the standard adoption curve to a revised slope of an adjusted adoption curve based on the user input of a more affluent region than average for deploying the enhanced wireless communications service (Col. 31, line 25-col. 32, line 59).

Claims 6 and 22: Atkins discloses a method and a system according to claims 1 and 17 wherein the adjusting step comprises decreasing a slope from the standard adoption curve to a revised slope of an adjusted adoption curve based on the user input of a less affluent region than average for deploying the enhanced wireless communications service (Col. 33, line 23-col. 34, line 60)

Claims 7 and 23: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses wherein the adjusting step comprises lowering a saturation point from the standard adoption curve to a revised saturation point on one of the

Art Unit: 3628

standard adoption curve and the adjusted adoption curve based on the user input of a particular application (Col. 34, line 61-col. 37, line 28).

Claims 8 and 24: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses the step of assigning a first level of security for a user with respect to the presenting step and the accepting step and assigning a second level of security higher than the first level of security with respect to the user being capable of modifying the contents of the reference database (Col. 37, line 47-col. 39, line 3)

Claims 9 and 25: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses the step of estimating revenue of the enhanced wireless communications service within a geographic region based on the accepted user input and the adjusted adoption curve (Col. 39, lines 4-59).

Claims 10 and 26: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses the step of estimating cost of the enhanced wireless communications service within a geographic region based on the accepted user input and the adjusted adoption curve (Col. 40, lines 17-62).

Claims 11 and 27: Atkins discloses a method and a system according to claims 1 and 17. Atkins also discloses the step that comprises providing a graphical depiction selected from the group consisting of a revenue by market segment graph, a cash-flow projection graph, number of subscribers by application of the enhanced wireless service, and number of subscribers by market segment (Col. 41, line 46-col. 42, line 65).

Claim 12: Atkins discloses the method according to claim 1. Atkins also discloses wherein the financial analysis comprises a sensitivity analysis showing the sensitivity of net present value, of a business based on the enhanced wireless communications service, to a change in at least one variable factor ((Col. 32, lines 18-59).

Claim 13: Atkins discloses the method according to claim 12. Atkins also discloses wherein the at least one variable factor is selected from the group consisting of operating costs of the enhanced wireless service, investment costs of the enhanced wireless service, market uptake of the enhanced wireless service, usage rate of the enhanced wireless service, and price level for service offerings of the enhanced wireless service (Col. 31, line 55-col. 32, line 17).

Claim 14: Atkins discloses the method according to claim 1. Atkins also discloses wherein the financial analysis comprises a bar chart of different variable factors potentially impacting net present value of a business based on the enhanced wireless communications service, the variable factors presented as horizontally extending bars along a vertical axis, a respective percentage change in the net present

Art Unit: 3628

value for a corresponding incremental constant change in a variable factor indicated by the horizontal length of the bar from the vertical axis (Col. 33, lines 656).

Claim 15: Atkins discloses the method according to claim 1. Atkins also discloses wherein the financial analysis comprises a graph of average revenue per user per a measured time interval, the graph including a group of plotted lines representing said average revenue per user within different market segments versus time (Col. 33, line 57-col. 34, line 48).

Claim 16: Atkins discloses the method according to claim 15. Atkins also discloses wherein the market segments include an adult market segment, a youth market segment, a large business market segment, a medium business market segment, and small business market segment (Col. 39, line 44-col. 40, line 62).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

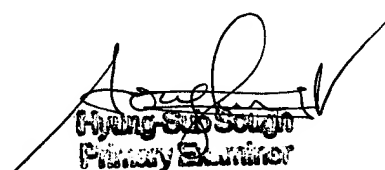
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro R. Kanof whose telephone number is 703-308-9552. The examiner can normally be reached weekdays 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Pedro R. Kanof
Examiner
Art Unit 3628

PRK
January 26, 2003


Hyung Sough
Primary Examiner